

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

SHERMAN CREEK CONDOMINIUMS, INC.,

Plaintiff,

Case No: 19-CV-2210

vs.

MID-CENTURY INSURANCE COMPANY,

Defendants.

NOTICE OF REMOVAL

TO: Sherman Creek Condominiums, Inc
c/o Attorney John F. Mayer
Nash, Spindler, Grimstad & McCracken LLP
1425 Memorial Drive
Manitowoc, WI 54220

PLEASE TAKE NOTICE that Mid-Century Insurance Company, by its attorneys, CRIVELLO CARLSON, S.C., pursuant to 28 U.S.C. §§ 1441(b) and 1446, file this Notice of Removal with the Court. The grounds for removal of this action are as follows:

1. A civil action designated as Case No. 19-CV-2210 has been commenced and is now pending in the Circuit Court for Dane County, Wisconsin, between the above-named parties.

2. On August 8, 2019, Plaintiff filed the Summons and Complaint in the Circuit Court for Dane County, Wisconsin against an improper party, Famers Insurance Exchange. A true and correct copy of the Summons and Complaint is attached as **Exhibit A**.

3. On October 16, 2019, Plaintiff filed an Amended Summons and Complaint against Mid-Century Insurance Company. A true and correct copy of the Amended Summons and Complaint is attached as **Exhibit B**.

4. On October 17, 2019, the Court dismissed Farmers Insurance Exchange. A true and correct copy of the signed Order for dismissal is attached as **Exhibit C**.

5. On October 30, 2019, Mid-Century Insurance Company filed an Answer to the Amended Complaint and Affirmative Defenses. A true and correct copy of this answer is attached as **Exhibit D**.

6. The above-described action is a civil action for damages alleged to have arisen from actions and conduct in Washington County, Wisconsin.

7. The United States District Court for the Western District of Wisconsin has jurisdiction over this action for the following reasons:

a. The Plaintiff is a corporate resident of the State of Wisconsin. See **Exhibit B**, Amended Complaint at ¶ 1. Defendant Mid-Century Insurance Company is a foreign corporation incorporated in California with its principal place of business located in Woodland Hills, California. See **Exhibit E**.

b. Removal of this action to the United States District Court is proper under 28 U.S.C. Sec. 1441(a) and (b) because there is complete diversity of citizenship between the Plaintiff and the Defendant and the amount in controversy exceeds \$75,000. The United States District Court would, therefore, have had original jurisdiction of this matter under 28 U.S.C. Sec. 1332 had the action been brought in federal court originally.

c. This Notice of Removal is timely under Section 1446(b) of Title 28 of the United States Code because the time permitted by statute for filing has not expired.

d. Defendant Mid-Century Insurance Company consents to removal.

8. Concurrent with the filing of the original Notice of Removal, Defendant, by its attorneys, notified all active parties and the Clerk of the Circuit Court for Dane County that this case is the subject of a petition for removal in the United States District Court for the Western District of Wisconsin, as required by 28 U.S.C. § 1446(d).

JURY DEMAND

1. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, defendant hereby demands trial by jury.

Dated this 31st day of October, 2019.

CRIVELLO CARLSON, S.C.
Attorneys for Defendant, Mid-Century
Insurance Company

By: **Stacy K. Luell** *(Electronically signed)*

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